IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 35825 of 2007(M)

PETITIONER:

PHILIP ZACHARIAS, LECTURER,
CO-OPERATIVE TRAINING COLLEGE, NORTH PARAVOOR,
ERNAKULAM DISTRICT.

BY ADV. SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.

RESPONDENTS:
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1. STATE CO-OPERATIVE UNION, KERALA,
REPRESENTED BY ITS ADDITIONAL REGISTRAR/
SECRETARY, SAMSTHANA SAHAKARANA BHAVAN,
OTTUKUZHI, THIRUVANANTHAPURAM-695 001.

2. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
CO-OPERATIVE SOCIETIES, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)No. 35825 OF 2007

Dated this the 4th day of December, 2007

JUDGMENT

The petitioner entered service as Co-operative Educational Instructor. His posting was at Idukki from where for sometime he was transferred to Kozhikode and Palakkad. Later on, he was again transferred to Idukki. Because of the cold climatic condition at Idukki and long distance travel undertaken by him, he contracted Osteoarthritis. On medical advice he applied for medical leave. To ascertain the genuineness of his disease, he was directed to appear before a Medical Board. The Medical Board confirmed his disease. The petitioner thereafter requested the 1st respondent to give him a posting at Pala or Kottayam, so that he can be away from the cold climatic condition at Idukki, which would aggravate his illness. Instead of giving the petitioner a transfer, the petitioner was given additional duty at Kottayam, as a result of which, he had to attend the work at Idukki as well as Kottayam.

2. The petitioner approached this Court by filing W.P.(C)

No.1635/2005 for a direction to give him a posting away from Idukki. While the writ petition was pending, the petitioner was transferred to North Paravoor, which was 100 Kms away from the petitioner's house. Having no other alternative, the petitioner joined at North Paravoor Co-operative Training College. In addition to Osteoarthritis, the petitioner was also suffering from Diabetes, for controlling which he had to take proper diet. Thereafter, the petitioner was afflicted with a viral fever and hospitalised. There he was diagnosed as suffering from Thrombocytopenia, which is a disease caused by reduction of platelets in the blood. Since reduction of platelets in the petitioner's blood was alarmingly disproportionate, doctors advised the petitioner to take complete rest and continue treatment.

3. In the above circumstances, by Ext.P8 the petitioner again requested the 1st respondent to give him a posting at Co-operative College, Pala, which is only 20 Kms away from the petitioner's house, or at Co-operative Training Centre, Kottayam, which is about 50 Kms away. Although Ext.P8 was filed on 19.7.2006, the 1st respondent has not taken any action on the same till date. The petitioner seeks a direction to the

1st respondent to consider and pass appropriate orders on Ext.P8 sympathetically.

4. I have heard the learned Government pleader also. The facts narrated in the writ petition certainly would show that the petitioner's case is to be considered with the sympathy it deserves, which has not so far been forthcoming from the 1st respondent. I feel that the petitioner's case is a very genuine case, which has to be considered by the 1st respondent in its right perspective.

Accordingly, I direct the 1st respondent to consider Ext.P8 representation filed by the petitioner for a transfer to Pala or Kottayam. The 1st respondent shall consider and pass appropriate orders on Ext.P8 with the sympathy the petitioner deserves and the observations in this judgment within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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